

**Louisiana Department of Transportation & Development  
Office of Public Works & Intermodal Transportation**

**Water Resources Permit Advisory Unit**

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Louisiana Department of Transportation & Development

Water Resources Permit Advisory Unit, Room 404

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# **CHAPTER I - WATER RESOURCES PERMIT ADVISORY UNIT**

## **Who We Are and What Is Our Function**

The Department of Transportation & Development's Water Resources Permit Advisory Unit is a part of the Office of Public Works and Intermodal Transportation.

We are not a permitting agency, however we are an advisory agency and we review documented requests that have been submitted to specific permitting agency, also known as Regulatory Authorities. These requests are submitted by the Public, or other governmental entities, regarding proposed activities occurring near levee systems, waterways and/or wetlands.

After reviewing the submitted requests we issue our advisory letter to the Regulatory Authority. There are three types of advisory letters we issue:

1. Letter of No Objection- states that this department has determined no negative impact is foreseen arising from the proposed activity, but may also include specific provisions that this department wishes to have incorporated into the permit issued by the Regulatory Authority.
2. Letter of Recommendation- states that this department recommends against issuing a permit for the proposed activity, however if a permit is issued that it include a set of specified provisions.
3. Letter of Objection- states an objection to the proposed activity, and usually specifies the specific reason(s) why the department is objecting.

We send copies of all advisory letters to a network of other concerned governmental agencies

## **Areas of Our Concern**

### **Levees**

Flood waters are regularly kept at bay as a result of very efficient and effective maintenance programs regulated by our state's levee districts, and a long-standing agreement with a State of Arkansas Levee District. An integral part of the levee maintenance program is the authority granted by Louisiana State Law to the various levee commissions to issue permits for work proposed at, and in the vicinity of, levee systems.

Serving as regulatory authorities, levee districts receive and review permit requests for projects from individuals, corporations, and governmental agencies. On completion of the review, appropriate approval in the form of a permit is issued or denied.

Before any levee board permit is issued, the applicant's project request is reviewed by a network of other governmental agencies. Those agencies review the applicant's proposal for any adverse impacts to maintenance or integrity of the nearby levee system or its associated drainage. They then make a recommendation to the levee board for the acceptance, conditional acceptance, or denial of the requested permit. The Water Resources Permit Advisory Unit functions as one of those project review and reporting agencies referenced above.

This Office is mandated by Louisiana State Law to serve in an engineering advisory capacity to the state's numerous levee boards. Under Title 38 of the Louisiana Revised Statutes, we are directed to review and issue an advisory letter to the appropriate Regulatory Authority. Although the State of Arkansas Levee District is not governed by Louisiana State Government, due to its close proximity to our state and its possible impact on the Mississippi River Levee System, we coordinate all relative levee maintenance activities with them in the same manner as we conduct our operations with our very own Levee Boards.

## **Wetlands**

There is an ongoing controversy between private interests and the government over the definition of wetlands, however for our purposes we will vaguely define wetlands as areas subjected to frequent submersions.

The Water Resources Permit Advisory Unit is specifically concerned with drainage within wetlands. This Office serves in an advisory capacity and reviews varied permit requests for proposed projects that could pose an adverse impact on area drainage. We review wetlands permit requests submitted to all of the (5) five Corps of Engineers districts presently operating in Louisiana, as well as to a host of other Federal, State, and Local governmental regulatory authorities who regulate projects impacting wetlands. We either recommend the approval, conditional approval, or denial of a proposed permit request based on our interpretation of the proposed project's impact to area drainage, adherence to State Law, or compliance with long adopted departmental policy.

## **Navigation**

This office is concerned with any type of work that may impede navigation on any navigable waterway. For example, under Louisiana State Law, any company wishing to install a pipeline across any Louisiana State

water bottom must first acquire a pipeline right-of-way grant from the Louisiana State Land Office. In order for the company to acquire a pipeline right-of-way grant from the State Land Office, the company must obtain a Letter of No Objection for the proposed pipeline installation from the Water Resources Permit Advisory Unit, as mandated by Louisiana State Law. Although this Office is not in the business of approving right-of-way, our review of the proposed project and its alignment directly affects issuance of a right-of-way grant by the State Land Office. Whether or not a permit request involves a submarine or aerial crossing of a navigable waterway, that permit request may also relate to the levee and drainage concerns of this Office.

Quite often aspects of a proposed project that may relate to the specific concerns of one regulatory or reporting agency, are similarly and simultaneously reviewed by a separate agency for different concerns. This process may appear as a duplication of efforts, but review of a request by different agencies with similar concerns, and motivated by different purposes, actually may serve to enhance the permit review process and to better serve the Public. One good example of this might be the cooperation of the Louisiana Department of Natural Resources - Coastal Management Division and the Corps of Engineers for permit requests located within Louisiana's coastal plain. Another example is the cooperation of the Corps of Engineers, Levee Boards, and the Water Resources Permit Advisory Unit for permit requests in the vicinity of levee systems. Many governmental agencies, whether they act in a regulatory capacity or that of an advising agency, act in concert to provide a quality review to permit requests and to better assure the Public's interests and safety.

## **CHAPTER II - THE PERMIT "NETWORK"**

### **FEDERAL AGENCIES**

The Water Resources Permit Advisory Unit coordinates permit review and responses with several Federal agencies. Specifically, we coordinate with five (5) separate Corps of Engineers' Districts, and two (2) separate sections within a single U.S. Coast Guard District (Eighth District), all operating within Louisiana.

#### **The Corps of Engineers**

This Office coordinates with, and provides responses to, the various Corps of Engineers' Districts operating in Louisiana. The Corps of Engineers' Regulatory Functions Branch issues wetlands and waterway related permits in association with the regulation of Section 404 of the Clean Water Act, under the U. S. Department of Environmental Quality, as well as under Section 10 of the Rivers and Harbors Act of 1899. The Section 404 Permit request addresses the placement of fill in designated wetlands. The Section 10 Permit request addresses the placement of structures (or associated activities) occurring within navigable waterways, or in wetlands contiguous to navigable waterways.

The Water Resources Permit Advisory Unit offers comments to the Corps of Engineers for Section 404 Permit requests regarding potential impact to area drainage patterns. We respond with comments to the Corps for projects falling under the Section 10 Permit program due to the proximity of any area levee systems, and to assure no interference with existing and proposed public works, as well as to assure navigability and compliance with State Law.

#### **The U.S. Coast Guard**

The Water Resources Permit Advisory Unit coordinates its review and comment to permit requests associated with navigable waterways and marine safety with the U.S. Coast Guard. The U.S. Coast Guard's Marine Safety Division issues permits, or approval for projects, certifying a project's safety to marine navigational interests. Also, the Bridge Administration Division of the U.S. Coast Guard issues permits for all bridge crossings over Louisiana waterways. The Water Resources Permit Advisory Unit responds with comments to the U.S. Coast Guard for project's affecting navigation in order to more effectively coordinate permit both agencies. Additionally, this Office responds with comments to the U.S. Coast Guard's Bridge Administration Division in relation to a proposed bridge structure's impact to area drainage, and to navigation.

## **OTHER STATE AGENCIES**

The Water Resources Permit Advisory Unit coordinates permit review and responses with numerous State Government agencies and Offices. The following represents some of the State agencies with which we coordinate our permit responses, and the general purpose served from such cooperation.

### **Louisiana Division of Administration - State Land Office**

The State Land Office reviews permit requests for work or structures encroaching onto Louisiana State water bottom. While the actual boundaries of State Lands are determined by the State Land Office, in order to accommodate the processing of permit requests -- this Office initially makes a predetermination of State ownership of water bottom at waterways and water bodies, relative to the names of the waterways associated with the proposed work and their depiction on the most current Official State Map of Louisiana.

Final determination concerning the demarcation of State versus Private property is deferred to the State Land Office. The area within the Mean Low Waterline (MLW) of named streams and bayous in Louisiana is determined to be Louisiana State water bottom. Conversely, the area extending channelward of the Mean High Water Line (MHW) of named lakes and bays in Louisiana is determined to be Louisiana State water bottom. The State Land Office reviews permit requests to verify, and/or approve of the project's placement or occurrence at Louisiana State water bottom. Any structure extending in excess of approximately 150 square feet channelward of the MLW line in streams and bayous, or the MHW line at lakes and bays, will generally require approval or a lease agreement between the permit applicant and the State Land Office. Additionally, the State Land Office issues pipeline right-of-way grants for pipelines extending across Louisiana State Water bottom. For your information, the MLW and MHW lines referenced herein are determined in accordance with historical records maintained by the State Land Office -- and not by the presence of water marks on trees or the "recollections" of some resident living in the project area.

The Water Resources Permit Advisory Unit issues Letters of No Objection, which are used by the State Land Office in their issuance of pipeline right-of-way grants. Our letters of No Objection also serve as an additional source of information, serving to notify the State Land Office of proposed work in their area of concern, in the event that a permit applicant fails to inform all the appropriate agencies involved in a permit request (which happens regularly).

### **The Louisiana Department of Environmental Quality - Division of Water Pollution Control**

The Water Pollution Control Division issues Water Quality Certificates, to serve as approval for proposed projects that may adversely impact water quality in a project area. Examples of such projects may involve the disturbance of material caused by dredging or fill placement operations in waterways, barge off-loading facilities at waterways, etc. Copies of our letters of approval/disapproval are provided as a courtesy and a means of coordination, to assure that each agency that may have a concern about the proposed work is notified, and in the event that they are not informed by the permit applicant.

### **Louisiana Department of Natural Resources - Coastal Management**

The Coastal Management Division's permitting considerations parallel that of the various Corps of Engineers' districts when considering a permit request impacting wetlands. However, the reasons for permit review and issuance between the two agencies vary in intent. Whereas the Corps reviews and issues wetlands-related permits as a result of a presidential directive and mandates of the Clean Water Act; the Coastal Management Division's mission involves not only the preservation of existing wetlands -- but the development of new wetlands. Coastal Management's permit program actively seeks to reduce the adverse impacts of projects on our diminishing coastlines. In addition, the Coastal Management Division actively develops programs and projects to enhance existing wetlands and create new wetlands. The physical area of jurisdiction regulated by the Coastal Management Division is specifically limited to the Louisiana coastal plains, within a specifically defined area. The Water Resources Permit Advisory Unit reviews permit requests for work and/or structures proposed to occur within the area of jurisdiction of the Coastal Management Division. Often, requested projects require coordination of permit responses from our Office, the Corps of Engineers, and the Coastal Management District. Coordination may be required on projects such as proposed marsh management programs, the construction of private levee systems, submarine and aerial waterway and levee crossing constructions, dam constructions, seismic operations, mining operations, construction of port facilities, construction of residential/commercial/industrial development, and numerous other projects.

### **Louisiana Department of Wildlife & Fisheries**

The Wildlife and Fisheries Department issues permits for many varied activities in Louisiana. Their Seafood Division issues permits for seismic surveys; their Administrator of Scenic River Systems issues permits for work or structures located at or near designated "scenic" rivers and waterways; and they have their normal review process concerning any adverse impacts to wildlife, and various plants, algae, and bacteria. Additionally, businesses that dredge for fill, sand, and gravel in Louisiana water bottoms are required to pay a fee (per cubic yard) for all material withdrawn from State water bottom. The Water Resources Permit Advisory Unit coordinates responses to permit requests with the Louisiana Wildlife & Fisheries Department for projects impacting drainage, such as marsh management programs, aquaculture programs, levee or dam constructions, and projects in the vicinity of "scenic" waterways.

### **Louisiana Levee Board Commissions**

Louisiana presently has approximately (24) twenty-four Louisiana Levee Districts, and a beneficial cooperative agreement with (1) one out-of-state Levee District (serving 3 counties) within the State of Arkansas. The various levee districts are responsible for maintaining the levee systems and associated drainage within their respective assigned areas of jurisdiction. Any proposed work or structures intended to occur in the vicinity of a levee system will generally require either a permit, or a letter of No Objection, from the respective Levee Board. Regulatory authority for permitting activities by Levee Boards is derived from Louisiana Revised Statutes, Title 38. The Water Resources Permit Advisory Unit specifically represents this department in adherence to the mandates of Title 38, which direct this department to act in an

engineering advisory capacity to the Louisiana Levee Districts. This Office reviews all pertinent requests, plans, and documentation for proposed work or structures to occur near a levee system, and then recommends the project's approval or disapproval to the appropriate Levee Board. Many governmental agencies that operate within the "permitting network" may direct their recommendations to a Levee Board in association with a proposed project. However, this Office represents the only State of Louisiana governmental agency directed by law to serve the Levee Board. Department of Health and Hospitals - Office of Public

### **Health, Division of Regulatory Services**

The State's Office of Public Health - Regulatory Services Division reviews certain permit requests relative to the proposed project's impact to public health. One major concern of the Regulatory Services Division involves the installation of municipal sewerage out falls at waterway locations, situated upstream from intake sources for potable water. The Water Resources Permit Advisory Unit coordinates the response to (applicable) permit requests as a matter of cooperation with the Office of Public Health's Regulatory Services Division.

## **LA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

We issue recommendations for either the approval or disapproval for a requested permit to the appropriate regulatory authorities for highway, bridge, port, flood control, and aviation related projects. The determination of a project's approval, "conditional" approval, or disapproval is based on departmental policy, knowledge of State Law and "Riparian Rights" associated with levee systems and waterways, and sound engineering principles. Dependant on the nature of a solicited permit request, other Offices acting within this department may be requested to review the permit request and offer comments that may be consolidated within the letter of recommendation normally issued by this Office to the appropriate regulatory authorities. Some of those inter-office cooperative efforts between the Water Resources Permit Advisory Unit and other departmental offices may consist of coordination with: the Water Resources Section for projects involving wells, borings, and vertical cathodic protection systems in the vicinity of levee systems; the Water Resources Design and Development Section for projects that are questionable in their impact to levee systems and drainage; the Dam Safety Section for those projects involving water impoundment measures; and the Highway Right-of-Way Permit Section for those projects that may require coordination for work or structures in the vicinity of State and Federal roadways.



## CHAPTER III - PROJECTS, LAWS, AND PROCEDURE

### TYPES OF PROJECTS REVIEWED

The Water Resources Permit Advisory Unit regularly reviews many varied forms of permit requests, ranging from multi-million dollar industrial facilities to projects that may cost the applicant only the costs of associated permit fees; from expansive projects extending across the State of Louisiana, to a single pile placed within a waterway; from a proposed home site in a wetland, to a man-made island serving "roosting" in a bird sanctuary. Many varied types of requests are received and reviewed every year by the Water Resources Permit Advisory Unit. Referenced below are some of the most commonly requested projects submitted for our review, and the general purpose for our interests...

<b><u>PROJECT</u></b>	<b><u>REVIEW PURPOSE</u></b>
Dredging	drainage, navigation, levee integrity
Drilling	drainage, navigation, levee integrity
Fill/Spoil Placement	drainage, navigation, levee integrity
Pipeline Installations	navigation, levee integrity
Cable Installations	navigation, levee integrity
Seismic Surveys	navigation, levee integrity
Soil Surveys	levee integrity, groundwater protection
Cathodic Protection	levee integrity, groundwater protection
Water Well Installation	levee integrity, groundwater protection
Oil Well Installation	drainage, navigation, levee integrity
Monitor Well Installation	levee integrity, groundwater protection
Water Control Structures	drainage, navigation
Dam & Spillway Construction	drainage, navigation
Pump Station Construction	drainage, levee integrity
Hydroelectric Facilities	drainage, navigation, levee integrity
Pile & Dolphin Installations	levee integrity, navigation
Marine Facilities	levee integrity, navigation
Bulkheading Installation	drainage, navigation, levee integrity
Wharves & Piers	navigation, levee integrity
Barge Loading/Unloading	navigation, levee integrity
Ship Loading/Unloading	navigation, levee integrity
Rip Rap Installation	navigation, drainage, levee integrity
Erosion Protection Measures	drainage, navigation, levee integrity

Port Facilities	drainage, navigation, levee integrity
Fencing Installation	levee integrity, navigation
Levee Crown Cattlegraps	levee integrity
Roadway Construction	drainage, levee integrity
Bridge Construction	drainage, navigation, levee integrity
Culvert Installations	drainage, navigation, levee integrity
Fender Installations	navigation
Launch Ways Construction	navigation, levee integrity
Marsh Management	drainage, navigation
Agricultural Activities	drainage
Aquacultural Programs	drainage, levee integrity
Ditch Construction	drainage
Intake Structures	navigation, levee integrity
Outfall Structures	navigation, levee integrity
Demolition Activities	levee integrity, navigation, drainage
Sewerage Facilities	levee integrity
Stockpile Operations	levee integrity, drainage
Parking Lot Construction	levee integrity, drainage
Swimming Pools	levee integrity
Levee Construction	drainage, navigation

The permit request examples referenced above represent a small sample of the projects that the Water Resources Permit Advisory Unit routinely reviews and for which comments are issued. The samples do not reflect unique requests received.

## **LAWS, REGULATIONS, AND POLICIES**

As stated previously, every recommendation for permit acceptance issued by the Water Resources Permit Advisory Unit is associated with a basic knowledge of appurtenant laws, regulations, and policies. Coordinative efforts are linked between all of the regulatory and reporting agencies of the permitting network, due to the following laws, regulations, and policies specified below.

### **FEDERAL LAWS**

Section 404 of the Clean Water Act (a.k.a. Federal Water Pollution Control Act): this Act influences many aspects of governmental concern and specifically addresses the discharge of fill material into wetlands and navigable waterways. Of particular interest to those involved in the permit process is the Section 404 (b) (1) Guidelines (published at 40 CFR Part 30) as developed by the Environmental Protection Agency. These guidelines require the Corps of Engineers to conduct a 'practical alternatives' analysis prior to granting a permit. Insofar as an alternative location for a proposed project may be preferred over any form of

mitigation measures, these guidelines serve to coordinate the regulatory functions of the Corps of Engineers with the Environmental Protection Agency's responsibility and authority under the Clean Water Act. Permit issuance is regulated by the various Corps of Engineers' districts.

Section 10 of the River and Harbor Act of 1899: generally addresses the intent for work or the placement of structures in navigable waterways and in wetlands contiguous to navigable waterways. Regulated by the various Corps of Engineers districts.

Section 14 of the River and Harbor Act of 1899: addresses the legal issues to the Public concerning any destruction, defacement, or impairment of use to any levees, dikes, or other flood control or navigational works built by the United States Government. This act also refers to the United States' easement rights, oil and gas exploration activities, and seismic surveys in the vicinity of levees.

Clean Water Act, Sections 401 and 404: addresses coordination of the respective Corps of Engineers' regulatory permit services with individual States' Water Quality Certifications issued by the individual States' associated offices. Before a Section 404 permit can be approved by the Corps of Engineers for a particular project in any State, the permit applicant must first obtain a Water Quality Certification Certificate issued by the relevant State office. In addition, under Section 404 (c) the Environmental Protection Agency is granted the authority to veto those permits that prompt an adverse impact on municipal water supplies, wildlife, recreational areas, shell fish beds, and fishery areas.

Coastal Zone Management Act, Section 307: requires that certain activities conducted or supported in Federal enclaves, and that directly affect the coastal zone, be consistent with the Federally approved state management plan to the maximum extent possible. Projects proposed to occur within "Federal" reserves are required to obtain a "Coastal Zone Consistency Determination" from the Louisiana Department of Natural Resources - Coastal Management Division. The Water Resources Permit Advisory Unit coordinates the proposed project's approval with the Coastal Management via our Letters of No Objection.

National Environmental Policy Act (NEPA): specifies that permits may be subject to a requirement for environmental assessments and environmental impact studies. The above referenced Federal Legislation represents a sample of the Federal Laws regulating Wetlands Protection and Flood plain Management, and does not attempt to reflect all the additional Acts, Executive Orders, Regulations, and Policies associated with Federal permit regulation.

## **STATE LAWS**

Louisiana R.S. 38:111 through 38:225: generally and specifically addresses work or structures in the vicinity of levee systems under the jurisdiction of state-wide Levee Board Commissions. The Water Resources Permit Advisory Unit serves in an engineering advisory capacity in accordance with R.S. 38:2(A) through R.S. 38:6 in order to assist the Levee Boards in their regulatory permit functions.

Louisiana R.S. 41:1701 through 41:1714: acknowledges the Public's "right" to reclaim eroded lands at waterway bank lines and to construct bulkheading to prevent erosion. Additionally, establishes a regulatory

permits and lease program within the State Land Office for encroachments on state water bottoms.

Louisiana R.S. 41:1173 through 41:1174 (and provided for by R.S. 36:1 et seq.) addresses the granting of pipeline rights-of-way to corporations or individuals by the State Land Office. Rules and regulations developed by the State Land Office, and promulgated by the above referenced revised statutes, specifically state that no pipeline right-of-way will be granted without the State Land Office's receipt of a "letter of clearance" from this department. The letter that is referenced as a "letter of clearance" in the State Land Office's rules and regulations is, and has always been, the Water Resources Permit Advisory Unit's Letter of No Objection.

Louisiana R.S. 38:3098: specifically addresses the "licensing" of contractors who drill water wells, monitor wells, soil borings, seismic holes, and heat pump wells in the State of Louisiana. The Water Resources Permit Advisory Unit assists the department office charged with the issuance of Louisiana driller's licenses (Water Resources Section), by advising the permit applicant via the Water Resources Permit Advisory Unit's Letter of No Objection that appurtenant drilling activities proposed by them must be performed only by a driller "legally" licensed to drill in the State of Louisiana.

Louisiana R.S. 56:1841 through 56:1849: addresses the preservation and protection of specified streams and waterways designated as "Scenic". Permit applications for work proposed in the vicinity of "Scenic" waterways must first be approved by the Louisiana Wildlife and Fisheries - Administrator of Scenic Rivers, Streams, and Bayous before beginning operations. The Water Resources Permit Advisory Unit coordinates the project's approval with Louisiana Wildlife and Fisheries via our Letter of No Objection, for work proposed in the vicinity of scenic waterways.

Louisiana R.S. 48:382, Section 385: addresses the proposed discharge of industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, whether it is solid, liquid, or gas, into the side or cross ditches of State of Louisiana Highway Right-of-Ways. Consent from both the Department of Health and Human Resources and the Department of Transportation and Development's Highway Right-of-Ways Permit Section is required for such a project's approval. The Water Resources Permit Advisory Unit provides this department's Highway Right-of-Way Permit Section a copy of our Letters of No Objection for projects that may adversely impact highway right-of-way, and to inform the appurtenant applicants that our approval is subject to their acquisition of approval from this department's Highway Right-of-Way and Utilities Permits Section. Coordination for related projects is maintained between the Water Resources Permit Advisory Unit and the department's Highway Right-of-Way and Utilities Permit Section at the special request of the Highway Right-of-Ways Permit Section.

Louisiana Act 606 (1976): addresses the requirement for control devices on water wells subject to "free-flow" conditions. The Water Resources Permit Advisory Unit requires that any well located in proximity to a levee system be constructed with such a control device if the well is subject to free-flowing conditions.

Louisiana Act 733 (1981), State of Louisiana - Dam Safety Program: addresses a regulatory program concerning proposed or existing water restriction devices or impoundment structures that incorporate levees

of specified heights or impound specified volumes of water (measured in acre feet). This Office assists this department's Dam Safety Engineer with maintenance of the Dam Safety Program by soliciting his review of projects suspected of qualifying under the Dam Safety Program, as well as to inform the applicant via our Letter of No Objection that our approval is subject to their first obtaining approval from our department's Dam Safety Program.

Water Well Rules, Regulations, and Standards - State of Louisiana: specific rules and regulations promulgated initially under the mandates of Act 535 in order to assure the proper abandonment of wells and boreholes, as well as to assure the construction of wells in an appropriate manner to protect the state's valuable potable water aquifers. Presently, no water wells are required to be permitted in the State of Louisiana -- except when located in sufficient proximity to a Levee District's levee system. The Water Resources Permit Advisory Unit advises the appropriate Levee Board (coordinated with the D.O.T.D.-Water Resources Section) in matters regarding well placement, soil borings, vertical cathodic protection systems, and seismic holes when in the vicinity of levee systems.

## **POLICIES**

The Water Resources Permit Advisory Unit has implemented and adopted policies in the past concerning those projects or activities that fall within the gray realm of established laws or regulations. Technology is continually making such rapid advances in engineering methods and related equipment, that this Office must not only make a concerted effort to comprehend new methods or equipment to be used in a proposed project; but also to determine which recommended permit "provisions" should be applied and prove to be equitable to all involved. We try real hard to avoid writing Letters of Objection, but sometimes we just cannot get around it. We make every effort to assist the permit applicant, or his/her agent, in the obtainment of any required permit(s) -- but we do not try to assume the responsibility of any consulting engineer that the permit applicant may have retained for their project. We will generally offer a Letter of No Objection to a project that we may in fact find objectionable, but we indicate in our letter to the regulatory authority(s) that our lack of objection is contingent upon the applicant amending to our satisfaction, those aspects of their project that we find objectionable. Referenced below are some general policies adopted by this Office in relation to various work and structures:

Atchafalaya Basin: The Water Resources Permit Advisory Unit adheres to, and specifies as permit "provisions", the previous recommendations of the old Atchafalaya Basin Commission for certain activities proposed to occur within the floodway of the Atchafalaya Basin. In general, spoil bank elevations are restricted in height in accordance with a formula developed by this Office. Spoil banks must also incorporate gaps of specified measurement along the length of the spoil bank.

Mississippi River: Any proposed work or structures proposed to occur within a specified area in the vicinity of the Mississippi River; and that involves drilling, pile or pole installation, or excavation -- will be restricted in operations when the Mississippi River stage is at or above +11.0 feet N.G.V.D. at the Carrollton Gage at New Orleans, Louisiana (+15.0 feet with approval from the Corps of Engineers).

**Dredged Spoil Placement in open water areas:** Dredged spoil is required to be spread in open water areas, streams, bayous, lakes and bays in such a manner so as not to decrease the water depth by more than 6 inches. A notable exception occurs when dredged spoil is stacked in specified areas within the coastal area at the request of, and as designated by, the Louisiana Department of Natural Resources - Coastal Management Division.

**Submarine Pipeline/Cable Crossings at Waterways:** In the Gulf of Mexico and at a depth located below the -20 foot contour, pipelines or cables are not required to be buried beneath the water bottom (unless within a Fairway or Anchorage area). Generally, in oil fields located in coastal marshes, the submarine installation of pipelines and cables at waterways and oil field canals must be buried a minimum depth of (3) three feet. In the western portion of the coastal marshes, the minimum burial depth recommended for crossings is (5) five feet beneath the water bottom. Submarine pipeline or cable installations crossing specific navigable waterways vary in the recommended burial depths as prescribed by this Office.

**Wells in Proximity to Levee Systems:** No deep well may be constructed within 250 feet of a levee toe. State Law does not specify either the riverside or the landside toe, so this Office presumes the intent of the Law to mean either toe, period. Additionally, no specific depth is cited in the Law relative to "deep" wells in proximity to levees. Since "deep" is a relative term, this Office determines what depth represents a deep well on a case-by-case basis, dependent on the well's location in relation to the levee, its geographical location, and local geohydrology. Specific policies relative to well placement vary and are dependent on the type of well desired; the method of well construction; placement of the well at the landside or riverside of the levee; and the intended use of the well.

**Marine Facilities:** Marine facilities requiring the mooring of barges must provide assurances and a reasonable facility design to show that the facility's moored barges will be restrained in sufficient fashion to alleviate any chance for damages to any existing batture tree screen or area revetment, or to encroach within 100 feet of any levee toe, under all river conditions.

**Directionally-Drilled Levee Crossings:** We defer to the Corps of Engineers' guidelines for directionally-drilling crossings for waterways and for waterways with adjacent levee systems. response from this Office. Our levee policy regarding drilled crossings beneath our levee systems is that the applicant provide significant and sufficient information about the proposed crossing that will assure this Office that the integrity of the adjacent levee system(s) will remain intact; that the annular space of the drilled crossing will be sufficiently sealed; and that the crossing will be deep enough so as not to prove a hazard to navigation, but also shallow enough so as not to contribute to intermixing between area aquifers.

## **REVIEW AND REPORTING PROCEDURES**

The following is a general explanation of the review and response process of permit requests conducted daily by the Water Resources Permit Advisory Unit.

### **The Permit Request**

Requests for the review of permit applications are received daily in the Water Resources Permit Advisory

Unit. Each permit request received by this Office and submitted for serious review must contain the following:

1. Vicinity Map of the Project Area  
Submitted map may be a copy from a quadrangle map, road map, or any other map. The project area should be clearly marked on the submitted map; the Parish(es) in which the work is to occur should be reflected; and ideally the map should reflect the project's Section, Township, and Range, or any relevant levee stations in the vicinity of the project.
2. Plan and Profile Project Drawings  
Submitted drawings should accurately reflect the project's scale and dimensions, any relevant MLW or MHW lines, Levee Stations or Waterway Miles related to the project, and which of any relevant structures or installations are existing, after-the-fact, or proposed. A complete description of the proposed work is required in either a drawing format or clearly defined documentation to make a fair and complete assessment of the project.
3. Supporting Documentation  
Supporting documentation for a permit request may consist of letters related to previous authorization if the newly proposed project involves a request of amendment to a previously approved project. It may also consist of letters from other governmental agencies that offer support for the proposed project, or it might simply relay a full text description of the requested project as supplementation to supplied drawings. All documentation received for each permit request, as well as any documentation generated by this Office, becomes Public Documents – and as such is maintained in the form of microfilm, file copy, and computer database records. Information for any permit request received by the Water Resources Permit Advisory Unit is available to the Public. Attorneys, engineers, architects, and the public need only request information for a specific project, and every effort is employed in supplying the individual with all available information available in this Office, relative to the particular project.

All permit requests responded to by this office are reviewed, and a letter is generated by computer, submitted for signature and mailed out. A copy of each response letter is mailed to additional State Agencies for their information and possible review.

The Water Resources Permit Advisory Unit is comprised of the following:

1. (1) One Permit Analyst  
Classification / Staff Engineering Technician Advanced.
2. (1) One Assistant  
Classification / Engineering Technician, 1,2 or3